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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,047	09/26/2003	Larry A. Lincoln	6555/53784	8061

30505 7590 01/12/2007  
LAW OFFICE OF MARK J. SPOLYAR  
2200 CESAR CHAVEZ STREET  
SUITE 8  
SAN FRANCISCO, CA 94124

EXAMINER
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SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/673,047

Applicant(s)

LINCOLN ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-6, 14, 17, 19, 22, 31-34, 46, 47, 49, 51, 53 and 55 is/are pending in the application.

4a) Of the above claim(s) 1, 7-13, 15, 16, 18, 20, 21, 23-30, 35-45, 48, 50, 52 and 54 is/are withdrawn from consideration.

- 5) ☐ Claim(s) 31-34, 46, 47, 49, 51 and 53 is/are allowed.
- 6) ☐ Claim(s) 2-6, 14, 17, 19, 22, 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-6,14,15,19,22,51 rejected under 35 U.S.C. 103(a) as being unpatentable over Calvert (U.S. Patent Number 6,526,275) in view of Finley (U.S. Patent Publication Number 2003/0052859).

***Regarding claims 2-6, 51,*** Calvert discloses essentially all the claimed invention as set forth in the instant application, further Calvert discloses a network linking method using information embedded in data objects that have inherent noise. In addition Calvert discloses a method for receiving promotional messages comprising: processing a message code from the message carrier (205); transmitting the message code to a remote system (215); and receiving a promotional message based on the transmitted message code (which reads on column 9 lines 35-67). However Calvert fails to specifically disclose capturing an image of a message carrier on a display screen, reading intensity values for pixels forming the image, location the message carrier by analyzing the intensity values, locating the message code within the message carrier and reading intensity values for pixels forming the message code to acquire the message code.

In the same field of endeavor Finley discloses Laser and digital camera computer pointer device system. Finley further discloses capturing an image of a message carrier on a display screen (as disclosed in paragraph 0034), reading intensity values for pixels forming the image (as

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disclosed in paragraph 0015), location the message carrier by analyzing the intensity values (as disclosed in paragraph 0040), locating the message code within the message carrier and reading intensity values for pixels forming the message code to acquire the message code (as disclosed in paragraph 0040).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Calvert by specifically providing for the use of capturing an image of a message carrier on a display screen, reading intensity values for pixels forming the image, location the message carrier by analyzing the intensity values, locating the message code within the message carrier and reading intensity values for pixels forming the message code to acquire the message code for the purpose of better communicating a thought or tropic with another.

***Regarding claim 14, 17, 19, 22,*** Calvert discloses essentially all the claimed invention as set fourth in the instant application, further Calvert discloses a network linking method using information embedded in data objects that have inherent noise. In addition Calvert discloses a method for receiving promotional messages comprising; transmitting the message code to a remote system (215); and receiving a promotional message based on the transmitted message code (which reads on column 9 lines 35-67). However Calvert fails to specifically disclose capturing an image of a message carrier on a display screen, wherein the message carrier comprises an identifying border, a message code and one or more transitions between dark-colored regions and light-colored regions.

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In the same field of endeavor Finley discloses Laser and digital camera computer pointer device system. Finley further discloses capturing an image of a message carrier on a display screen (as disclosed in paragraph 0034), wherein the message carrier comprises an identifying border (as disclosed in paragraph 0040), a message code and one or more transitions between dark-colored regions and light-colored regions (as disclosed in paragraph 0040).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Calvert by specifically providing for the use of capturing an image of a message carrier on a display screen wherein the message carrier comprises an identifying border, a message code and one or more transitions between dark-colored regions and light-colored regions for the purpose of better communicating a thought or tropic with another.

***Allowable Subject Matter***

2. Claims 31-34,46,47,49,51,53 allowed.

***Response to Arguments***

3. Applicant's arguments with respect to claims 2-6,14,17,19,22,31-34,46,47,49,51,53,55 have been considered but are moot in view of the new ground(s) of rejection.


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Smith   
January 7, 2007

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**